



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

MAY 26 2010

**CERCLA 104(e) INFORMATION REQUEST**  
**URGENT LEGAL MATTER: PROMPT REPLY REQUESTED**  
**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Corporation Service Company  
Registered Agent for Atlantic Richfield Company (ARCO)  
2730 Gateway Oaks Dr, Suite 100  
Sacramento, CA 95833

Re: Jackpile-Paguate Mine Superfund Site, Paguate, Cibola County, NM  
SSID No. A6T3



892100

Dear Sir or Madam:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from the Atlantic Richfield Company (ARCO), in providing information and documents relating to the Jackpile-Paguate Mine in Paguate, Cibola County, New Mexico (Site). The mine has also been known as the Jackpile Mine or the Walter Rim Cut. The EPA believes ARCO may have this information as the surviving entity of the ARCO-Anaconda merger. The information sought will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. ARCO's response will also help the EPA develop a better understanding of activities that occurred at the Site.

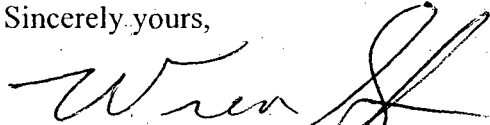
This information request is not a determination that your company is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect your company to pay for or perform any site-related activities at this time. If the EPA determines that your company is responsible or potentially responsible for response activities at the Site, your company will receive a separate letter clearly stating such a determination as well as the basis the EPA has for the determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives EPA the authority to require ARCO to respond to this information request (see Enclosure 1). We encourage your company to give this matter its full attention, and ***we respectfully request that ARCO respond to this request for information within thirty (30) days of its receipt of this letter.*** You may designate another official of ARCO with the requisite authority to respond on behalf of the company. However, failure to respond to this information request may result in EPA seeking penalties of up to \$37,500 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Kevin Shade, Enforcement Officer, at the address included in the Information Request. Please refer to the enclosures below, which include important instructions and definitions, as well as the questions for response, in the preparation of your reply to this Information Request.

If you have any questions regarding this letter, contact Mr. Shade at (214) 665-2708. For legal questions concerning this letter, please have your legal counsel contact Ms. Pamela Travis, Senior Attorney, at (214) 665-8056. Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Wren Stenger", with a stylized flourish at the end.

Wren Stenger, Associate Director  
Technical and Enforcement Branch  
Superfund Division

Enclosures (3)

## ENCLOSURE 1

### JACKPILE-PAGUATE SUPERFUND SITE INFORMATION REQUEST

#### RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e). 42 U.S.C. §9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact the designated Enforcement Officer, Mr. Kevin Shade, at (214) 665-2708 or [shade.kevin@epa.gov](mailto:shade.kevin@epa.gov). Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Kevin Shade, Enforcement Officer  
Superfund Enforcement Assessment Section (6SF-TE)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Ms. Pamela Travis at phone number (214) 665-8056, fax number (214) 665-6460 or via email at [travis.pamela@epa.gov](mailto:travis.pamela@epa.gov). For contact via mail, use the following address:

Ms. Pamela Travis, Senior Attorney  
Office of Regional Counsel (6RC-S)  
U. S. EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

#### BACKGROUND INFORMATION

The Jackpile-Paguate Mine, also known as the Jackpile Mine or Walter Rim Cut, is located near the village of Paguate, New Mexico, on tribal trust land of the Pueblo of Laguna in western New Mexico. The mining operations were started by Anaconda Copper Company in 1953 and operations ceased in 1982 under ARCO. Approximately 7,868 acres of land was leased to Anaconda throughout the years of operation. The Jackpile mine originally started as an

open pit mine but at the end of operation turned into an underground mine. In addition to the Jackpile pit, two other open pit mines existed, the North and South Pagate pits. Approximately 400 million tons of earth was removed from the open pits over their operation span. The Jackpile Pit was the deepest of the three open pits. Excavation was down approximately 625 feet into the earth. The North Pagate Pit was excavated down approximately 200 feet and the South Pagate Pit was excavated down approximately 325 feet. At its peak of production, the mine was operated 24 hours a day, 7 days a week. In early 1982, mine operations ceased because the price for uranium ore was no longer profitable.

As part of an agreement made between Anaconda/ARCO and the Tribe, once operations at the mine ceased, ARCO was to pay for reclamation. It took approximately seven years for all parties involved to reach an agreement on reclamation. A Record of Decision for the Jackpile-Pagate Uranium Mine Reclamation Project was signed between the Bureau of Land Management and Bureau of Indian Affairs in December 1986.

The EPA is currently assessing the Site for possible inclusion on the National Priorities List (NPL). The NPL is the list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation.

## ENCLOSURE 2

### JACKPILE-PAGUATE MINE SUPERFUND SITE INFORMATION REQUEST

#### INSTRUCTIONS and DEFINITIONS

#### INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA. If you make such a claim, the information covered by that claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to

explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.

7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
9. The term "Site" shall mean and include the Jackpile-Paguate Mine, also known as the Jackpile Mine, located near Paguate, Cibola County, New Mexico, including, but not limited to the three open mine pits, underground shafts, and all surface and underground areas where mining operations occurred.
10. The term "ARCO" shall mean and include Atlantic Richfield Company, Anaconda, and/or any other ARCO companies.
11. The term "BP plc" shall mean BP plc and its subsidiaries and holdings.
12. The term "Anaconda" shall mean Anaconda Copper Mining Company other names commonly used to describe the company, including Anaconda Mining Company, Anaconda Mining, and Amalgamated Copper Mining Company.
13. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
14. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

### **ENCLOSURE 3**

## **JACKPILE-PAGUATE MINE SUPERFUND SITE INFORMATION REQUEST**

### **QUESTIONS**

1. Identify all properties previously or currently owned, leased, possessed or held by you to conduct operations for the production of uranium at the Site. Provide copies of the leases, permits, claims, deeds, licenses, easements, mineral rights, and any other document evidencing your status as an owner, tenant, possessor, or operator of the property and all attachments.
2. Identify and describe any portion of the Site or assets at the Site owned, operated, leased, or mined or explored by the Respondent, and the dates during which the Site was owned, operated, leased, mined, or explored, including areas where borings were taken and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreement, royalty payments, deeds, and leases including mining and gravel leases.
3. Provide a list of customers (e.g., smelters, mills, governments and industries) the Respondent had dealings with, during the years the Respondent had property interests, mine leases, assignments, agreements or arrangements with landowners, at the Site; whether or not mining took place during those years.
4. Provide a description and copies of all records maintained by the Respondent for operations at the Site. Including any records on royalties paid or received from mining activities at the Site.
5. Provide copies of all current and historical laboratory or field analyses of the water quality of the aquifers, mine water, surface water, tailing pond discharges and receiving streams, air quality and soil, including the sampling locations of all such samples.
6. Provide any information and copies of documents in your possession regarding ore production at the Site, including volume/tonnage listed by year of operation. Include any information in your possession which may have been filed with or received from the U.S. Bureau of Mines, regarding your company or any other company that held assets at or property interests in the Site.
7. Provide any records on the dewatering of the mines at the Site that provide specific information on pump rates, pump station locations, pump sizes and changes in aquifer piezometric heads, at the Site.
8. Describe what waste by-product(s) were produced during your operations at the Site.



9. For each waste by-product identified by you, describe what you did with these waste byproducts. Specifically, also describe what you did with:
  - a. uranium protore or uneconomic material
  - b. any listed or unlisted hazardous substances
  - c. dewatering or surface water discharge
10. Provide all documentation which describes how waste by-product was stored, treated, disposed or deposited at the property.
  - a. For each waste by-product identified, provide a map identifying where on the property these wastes were stored, treated, disposed or deposited.
  - b. For each property, identify and describe all reclamation or cleanup efforts made by you to address waste by-products and/or to prevent potential releases of hazardous substances.
11. Provide copies of any reports of sampling and reclamation or cleanup activities.
12. State the date on which ARCO acquired ownership or an interest in Anaconda and the facility. State the prior owners, if any, of Anaconda and the facility. Submit a copy of all documents relating to ARCO's purchase of Anaconda and the facility.
13. Did ARCO retain the liabilities of Anaconda for events prior to the sale?
14. Describe the relationship between BP and the following:
  - a. ARCO
  - b. Anaconda Copper Mining Company
15. Identify and provide any and all agreements, consent decrees, licenses, that regard all or a portion of the Site between BP plc, ARCO, Atlantic Richfield Company, or Anaconda Copper Mining Company, and:
  - a. Laguna Pueblo, both the Tribe and individuals
  - b. Bureau of Land Management
  - c. Bureau of Indian Affairs
  - d. U.S. Department of Defense
  - e. U.S. Department of Energy
  - f. Nuclear Regulation Committee
  - g. Department of Justice

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Corporation Service Company  
Registered Agent for Atlantic Richfield Company (ARCO)  
2730 Gateway Oaks Dr, Suite 100  
Sacramento, CA 95833

Re: Jackpile-Paguate Mine Superfund Site, Paguate, Cibola County, NM  
SSID No. A6T3

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Capuyan

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Johnson

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Travis

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5/11/10

Peycke

6RC-S

5/11/10

Chia

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